

No. PD-0810-19

TO THE COURT OF CRIMINAL APPEALS
OF THE STATE OF TEXAS

FILED
COURT OF CRIMINAL APPEALS
4/16/2021
DEANA WILLIAMSON, CLERK

THE STATE OF TEXAS,

Appellant

v.

RICARDO MATA,

Appellee

Appeal from Hidalgo County, Trial Cause CR-2611-16-B
No. 13-17-00494-CR in the Seventh Court of Appeals

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NOTICE OF TRIAL COURT'S ORDER

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TO THE HONORABLE COURT OF CRIMINAL APPEALS:

Appellee, Ricardo Mata, has argued that the *Miranda* issue presented in this case is moot because the parties reached a plea agreement and the trial court entered final judgment in the case. In the State's view, the trial court had no jurisdiction to enter the plea or judgment because the case was still pending in the court of appeals. The trial court has recognized its error and vacated the judgment. *See* Exhibit 1, attached. While not part of the appellate record, this order is a matter of public record. Further, it is not subject to reasonable dispute since it is capable of accurate

and ready determination by resort to the records of the trial court below, a source whose accuracy cannot be reasonably questioned. *See* TEX. R. EVID. 201(b); *Freedom Communications, Inc. v. Coronado*, 372 S.W.3d 621, 623 (Tex. 2012). Consequently, this Court may take judicial notice of the order. *See* TEX. R. EVID. 201(c)(1).

Respectfully submitted,

STACEY M. SOULE
State Prosecuting Attorney

/s/ Emily Johnson-Liu
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CERTIFICATE OF SERVICE

The undersigned certifies that on the 15th day of April 2021, this notice was served via email or electronic service provider to

Hon. O. Rene Flores & Mauricio Martinez
Counsel for Ricardo Mata
oreneflores@lobo.law & mmartinez@lobo.law

Hon. Michael Morris
Hidalgo County District Attorney's Office
michael.morris@da.co.hidalgo.tx.us

/s/ Emily Johnson-Liu

Cause No. CR-2611-16-B

The State of Texas

v.

Ricardo Mata

§
§
§
§
§

In the District Court

93rd Judicial District of

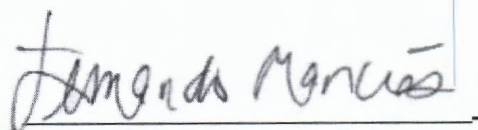
Hidalgo County, Texas

ORDER

BE IT REMEMBERED that on this day came on for consideration the request of the State's Motion to Vacate Judgment Ordering Deferred Adjudication. The Judgment Ordering Deferred Adjudication was entered after jurisdiction vested within the Thirteenth Court of Appeals and before the Mandate had issued. The Order entered in this case was without jurisdiction.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that the judgment entered in this cause on October 30, 2018 is vacated. The parties are placed in the positions they occupied before the plea bargain.

Signed this the 24th day of March, 2021.



Judge Fernando Mancias
9rd District Court
Hidalgo County, Texas

CC: Appeals@da.co.hidalgo.tx.us
Floreslaw1@aol.com
Emily.Johnson-Liu@spa.texas.gov

"Exhibit 1"

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Stacey Soule on behalf of Emily Johnson-Liu
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Envelope ID: 52504784
Status as of 4/16/2021 8:07 AM CST

Associated Case Party: Emily Johnson-Liu

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Emily Johnson-Liu		information@spa.texas.gov	4/15/2021 2:56:34 PM	SENT

Associated Case Party: Ricardo Mata

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